

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

60

FAULKNER

-v-

NATIONAL GEOGRAPHIC

USCA NO.

26-5427

SDNY NO.

99 CV 12488

JUDGE:

L. KAPLAN

DATE:

3/7/06

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

STEPHEN WEINGRAD

FIRM:

WEINGRAD & WEINGRAD

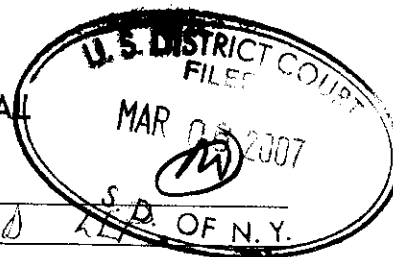
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DISTRICT COURT DOCKET ENTRIES

1-59

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the ____ Day of _____, 2007.

United States District Court for
the Southern District of New York

FAULKNER

-v-

NATIONAL GEOGRAPHIC

Date: 1 / 1 2007

U.S.C.A. # 06-5105 CV (L)
06-5429 CV (CON)

U.S.D.C. # 99 CV 12483

D.C. JUDGE L. KARKAN

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 59, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
3/3/2000	Stipulation and order # 6
5/15/2000	Demand for Jury # 7
5/15/2000	Memo. of law J # 9
1/18/2001	Order # 31 #31
8/24/2001	Demand for Jury # 40
9/01/2006	Stipulation # 54
9/18/2006	Memoand/opinion # 55
04/10/2007	Mandate # 58
04/10/2007	Mandate # 59

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 8 Day of MAR In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 231st year.

J. Michael McMahon, Clerk

By _____
Deputy Clerk

APPEAL, SIMILAR, SUSPENSE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square - Suspense)
CIVIL DOCKET FOR CASE #: 2:99-cv-12488-LAK-HBP
Internal Use Only

Faulkner, et al v. National Geographic, et al
Assigned to: Judge Lewis A. Kaplan
Referred to: Magistrate Judge Henry B. Pitman
Demand: \$0
Related Case: 0
Similar Case: 2:97-cv-09361-LAK
Cause: 17:101 Copyright Infringement

Date Filed: 12/29/1999
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Date Filed	#	Docket Text
12/29/1999		Mailed AO121 form to Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559. (bm) (Entered: 01/06/2000)
12/29/1999		CASE REFERRED TO Judge Kaplan. (bm) (Entered: 01/06/2000)
12/29/1999	2	RULE 1.9 CERTIFICATE filed by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman. (bm) (Entered: 01/06/2000)
12/29/1999	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 362882. (bm) (Entered: 01/06/2000)
01/12/2000	3	Notice of assignment to Judge Lewis A. Kaplan. Copy of notice and judge's rules mailed to Attorney(s) of record: Stephen A. Weingrad. (cm) (Entered: 01/14/2000)
01/12/2000		CASE ACCEPTED AS SIMILAR TO 97-cv-9361. Notice of Assignment to follow. (lan.) (Entered: 04/05/2005)
01/26/2000	4	STIPULATION and ORDER; reset answer due for 2/24/00 for Mindscape Inc., for Eastman Kodak Co., for Nat. Geographic Int., for National Geographic. (signed by Judge Lewis A. Kaplan) (pl) (Entered: 01/27/2000)
01/27/2000	5	Case is designated to Magistrate Judge Pitman. (bmi) (Entered: 01/31/2000)
02/10/2000		Memo Endorsed on letter addressed to Judge Kaplan from Robert G. Sugarman dated 2/4/00. Re: defendants request that Faulkner II (99 Cv 12488) and Ward (99 Cv 12385) be stayed pending disposition of Yasini by the Second Circuit; Granted to the extent that cases stayed pending disposition of rehearing petition in Tasini. (signed by Judge Lewis A. Kaplan) Original filed in 97 Cv 9361 doc #7. (ri) (Entered: 02/10/2000)
03/03/2000	6	STIPULATION AND ORDER; that defts' time to move, answer or otherwise plead in response to plttfs' complaint shall be and hereby is extended until 30 days after a denial by Judge Kaplan of defts' application for a stay of the action. If Judge Kaplan grants defts' application for a stay, then defts' time to move, answer or otherwise plead in response to plttfs' complaint shall be and hereby is extended until 30 days after such stay is lifted. (signed by Judge Lewis A. Kaplan) (sac) (Entered: 03/06/2000)
04/21/2000		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 4/19/00, denying defts request that the Court continue to stay 99 cv 9361 and 99 cv 12488 pending disposition of the Tasini defts' petition for a writ of certiorari (signed by Judge Lewis A. Kaplan); Copies mailed; (orig doc fld in 97 cv 9361, doc #8) (cd) (Entered: 04/24/2000)
04/24/2000		Pretrial Conference held on 4/24/00 before Judge Lewis A. Kaplan. (ae) (Entered: 05/01/2000)
04/25/2000		ORDER; set scheduling order deadlines: any class action motion shall be served and filed no later than 5/15/00, any opposition to any such motion shall be served and filed no later than 6/12/00, any reply in support of any such motion shall be served and filed no later than 6/26/00; all discovery will be concluded no later than 11/30/00; any motions for summary judgment shall be served and filed no later than 12/31/00; a joint pretrial orders and requests to charge shall be served and filed no later than 1/15/01; no additional parties may be joined nor amendments to the pleadings made later than 7/15/00. (signed by Judge Lewis A. Kaplan); Copies mailed. (orig. entry filed in 2:97 civ. 9361, doc. #9). (sac) (Entered: 04/25/2000)
05/15/2000	7	AMENDED COMPLAINT by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli (Answer due 5/30/00 for Mindscape Inc., for Eastman Kodak Co., for Nat. Geographic Int., for National Geographic) amending [1-1] complaint against Nat. Geographic Ent., Dataware Tech. Inc.; Summons issued. (sn) (Entered: 05/16/2000)

05/15/2000	7	DEMAND for jury trial by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli. (sn) (Entered: 05/16/2000)
05/15/2000	8	NOTICE OF MOTION by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli for an order certifying as a class action purs. to F.R.C.P. 23(b)(1,2,3) on behalf of a class consisting of all persons who have had their text or photographs infringed by defts herein, as published by them in the magazine, National Geographic, during the past 112 years and have not been paid for the electronic digital use of their work in the digital products "The Complete National Geographic 108 Years of National Geographic Magazine" on CD-ROM and a later version in DVD format and subsequent related products and image sales for commercial use of images from the National Geographic Society's Image Collection. No return date indicated. (sn) (Entered: 05/16/2000)
05/15/2000	9	MEMORANDUM OF LAW by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli in support of [8-1] motion for an order certifying as a class action purs. to F.R.C.P. 23(b)(1,2,3) on behalf of a class consisting of all persons who have had their text or photographs infringed by defts herein, as published by them in the magazine, National Geographic, during the past 112 years and have not been paid for the electronic digital use of their work in the digital products "The Complete National Geographic 108 Years of National Geographic Magazine" on CD-ROM and a later version in DVD format and subsequent related products and image sales for commercial use of images from the National Geographic Society's Image Collection. (sn) (Entered: 05/16/2000)
05/18/2000	10	Letter filed by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli addressed to Judge Kaplan from Stephen A. Weingrad, dated 5/16/00, re: two additional courtesy copies of the Motion and Memorandum in the event the copy left for Chambers had an error. (pl) (Entered: 05/19/2000)
05/18/2000	11	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 5/17/00, denying as moot, defendant's request for an additional 30 days to complete discovery with respect to class issues and to serve and file their opposition to the motion for class certification. (signed by Judge Lewis A. Kaplan); Copies mailed. (ri) Modified on 05/22/2000 (Entered: 05/19/2000)
05/18/2000	12	ORDER denying [8-1] motion for an order certifying as a class action purs. to F.R.C.P. 23(b)(1,2,3) on behalf of a class consisting of all persons who have had their text or photographs infringed by defts herein, as published by them in the magazine, National Geographic, during the past 112 years and have not been paid for the electronic digital use of their work in the digital products "The Complete National Geographic 108 Years of National Geographic Magazine" on CD-ROM and a later version in DVD format and subsequent related products and image sales for commercial use of images from the National Geographic Society's Image Collection (signed by Judge Lewis A. Kaplan); Copies mailed. (cd) (Entered: 05/19/2000)
05/22/2000		ORDER; this case is to be returned to the active docket. (signed by Judge Lewis A. Kaplan); Copies mailed. (Original document filed under 97 cv 9361 as Doc. #10) (sn) (Entered: 05/23/2000)
05/23/2000	13	AMENDED RULE 1.9 CERTIFICATE filed by National Geographic, Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. (ri) (Entered: 05/24/2000)
06/05/2000	14	Memo-Endorsement on letter addressed to Judge Kaplan from Stephen A. Weingrad, dated 5/26/00 Re: plntf's request for reconsideration of the 5/17/00 order; counsel is free to move to reargue and to submit evidence relating to the Haas case (signed by Judge Lewis A. Kaplan); Copies mailed. (cd) (Entered: 06/07/2000)
06/19/2000	15	ANSWER to Amended Complaint by National Geographic, Nat. Geographic Int., Nat. Geographic Ent. (Attorney Robert G. Sugarman from the Firm: Weil, Gotshal & Manges LLP). (pl) (Entered: 06/21/2000)
06/19/2000	16	ANSWER to Amended Complaint by Dataware Tech. Inc.; (Attorney Robert G. Sugarman from the Firm: Weil, Gotshal & Manages LLP). (pl) (Entered: 06/21/2000)
06/19/2000	17	RULE 1.9 CERTIFICATE filed by National Geographic, Nat. Geographic Int., Nat. Geographic Ent. (pl) (Entered: 06/21/2000)
06/19/2000	18	ANSWER to Amended Complaint by Eastman Kodak Co.; (Attorney Robert G. Sugarman from the Firm: Weil, Gotshal & Manges LLP). (pl) (Entered: 06/21/2000)
06/19/2000	19	ANSWER to Amended Complaint by Mindscape Inc. (Attorney Robert G. Sugarman from the Firm: Weil, Gotshal & Manges LLP). (pl) (Entered: 06/21/2000)
06/23/2000	20	AMENDED CERTIFICATE OF SERVICE of Rule 1.9 Statement by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. as to Stephen Weingrad, plttfs atty, by mail on 6/16/00. (sac) Modified on 06/26/2000 (Entered: 06/26/2000)
06/23/2000	21	CERTIFICATE OF SERVICE of Answer of National Geographic Society, National Geographic Interactive and National Geographic Enterprises, Inc. to Amended Complaint by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. as to Stephen Weingrad, plttfs atty, by mail on

	6/16/00. (sac) (Entered: 06/26/2000)
06/23/2000	22 AMENDED CERTIFICATE OF SERVICE of Answer of Eastman Kodak Co. to Amended Complaint by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. as to Stephen Weingrad, plttfs atty. by mail on 6/16/00. (sac) (Entered: 06/26/2000)
06/23/2000	23 AMENDED CERTIFICATE OF SERVICE of Answer of Dataware Technologies, Inc. to Amended Complaint by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. as to Stephen Weingrad, plttfs atty. by mail on 6/16/00. (sac) (Entered: 06/26/2000)
06/23/2000	24 AMENDED CERTIFICATE OF SERVICE of Answer of Mindscape Inc. to Amended Complaint by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. as to Stephen Weingrad, plttfs atty. by mail on 6/16/00. (sac) (Entered: 06/26/2000)
07/10/2000	25 Plaintiffs' MEMORANDUM OF LAW in support of an Application for Reargument and Reconsideration of the Decision of this Court dated May 17, 2000 (djc) (Entered: 07/11/2000)
07/10/2000	26 NOTICE OF MOTION by plttfs; for an order purs. to Rules F.R.C.P. 60(a),(b)(5), granting reargument and reconsideration of the decision of this court issued 5/17/00 on the grounds of mistake and the Courts reliance on a decision that was previously nullified and on such reconsideration reversing said decision permitting the plttfs motion under F.R.C.P. 23 to proceed on the merits ; Return date 12/20/99. (lf) (Entered: 07/11/2000)
08/28/2000	27 Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for discovery disputes only when District Judge is unavailable. (signed by Judge Lewis A. Kaplan) Referred to Magistrate Judge Henry B. Pitman. (sn) (Entered: 08/29/2000)
09/08/2000	28 ORDER; granting [26-1] motion for an order purs. to Rules F.R.C.P. 60(a),(b)(5), granting reargument and reconsideration of the decision of this court issued 5/17/00 on the grounds of mistake and the Courts reliance on a decision that was previously nullified and on such reconsideration reversing said decision permitting the plttfs motion under F.R.C.P. 23 to proceed on the merits. On reconsideration, the Court adheres to its original decision. (signed by Judge Lewis A. Kaplan); Copies mailed. (sac) (Entered: 09/11/2000)
09/13/2000	29 ORDER; no later than 9/18/00, any plttf claiming that he or she is physically unable to travel to this district to testify at a deposition shall serve an affdvt. or declaration purs. to 28 U.S.C. 1746 setting forth the nature of the physical impediment and explaining why it prevents the plttfs travel to this district ; in the first instance, defts shall take the depositions of plttfs Joe Baraban and John Knoebber by telephone; this order is w/o prejudice to defts' right to seek a futher deposition from these parties in this district ; no later than 9/29/00, counsel for defts shall advise counsel for plttf whether defts will assert an advice-of-counsel defense to plttfs' charge of willful infringement ; no later than 9/14/00, deft shall serve written responses to defts' outstanding requests for production of documents ; counsel are directed to meet and confer by telephone or in person concerning the document disputes outlined in plttfs' counsel's letter of 8/17/00; counsel are directed to appear for a follow up conference to resolve any remaining disputes concerning plttfs' requests for production of documents on 9/18/00 at 2:00 p.m. ; (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (lf) (Entered: 09/14/2000)
09/14/2000	30 ANSWER to Second Amended Complaint by National Geographic, and Nat. Geographic Int. (kw) (Entered: 09/18/2000)
11/14/2000	Pretrial Conference held before Judge Lewis A. Kaplan. Stay discovery and other proceedings effective 11/17/00. Pending Tasini except for claims based in 1909 Act. Discovery deadline on 1909 claims extended to 1/31/01. Dispositive motions due 30 days thereafter. (jp) (Entered: 11/16/2000)
11/14/2000	Pretrial Conference held before Judge Lewis A. Kaplan. (jp) (Entered: 12/05/2000)
01/16/2001	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 1/10/01, denying defts request for a 30-day extension of the discovery cutoff 1/31/01 with respect only to discovery related to damages (signed by Judge Lewis A. Kaplan); Copies mailed; (original docketed in 97 cv 9361, doc #28) (cd) (Entered: 01/19/2001)
01/18/2001	31 ORDER; that a tape-recorded coall having been held on 1/12/01, for the reasons state on the recording of the call, it is hereby ordered that plaintiff application to serve interrogatories beyond the limits of F.R.C.P. 33(a) and Local Civil Rule 33.3(b)(i) is denied. (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (pl) (Entered: 01/18/2001)
02/16/2001	32 Objection(s) by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Dorianne Jacobson, Pamela Wilson Sartorelli to Judge Pitman's Order of 2/7/01. (sac) (Entered: 02/20/2001)
03/05/2001	OPPOSITION by National Geographic, Nat. Geographic Int. re: [32-1] Notice of Objection to ruling; original document filed in 97cv9361 as document #31 (pl) Modified on 03/20/2001 (Entered: 03/08/2001)
03/06/2001	33 ORDER; after conferring with Judge Kaplan, and in light of the schedule Judge Kaplan had set for the filing of dispositive motions, the dates set forth in my February 27, 2001 Order with respect to the filing of plaintiffs' motion for sanctions are adjourned by seven calendar days; ; (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (djc) (Entered: 03/06/2001)

03/06/2001	34	ORDER; pliffs shall serve and file their motion to compel and for sanctions no later than 3/5/01. Defs shall serve and file their opposition no later than Friday, 3/16/01. Both moving and opposition papers shall be serve by hand on the dates indicated. Oral argument on the motion will be heard on Wednesday 3/21/01 at 4:15 p.m. in Courtroom 6A, U.S. Courthouse, 500 Pearl St. As required by Local Civil Rule 7.1, both pliffs' motion and defs' opposition shall be accompanied by memoranda of law citing legal authorities that support the parties' respective arguments. In order to minimize the disruption of the schedule that Judge Kaplan has set for this case, extensions of the schedule set forth herein will not be granted. (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (sac) (Entered: 03/07/2001)
03/12/2001		ORDER. plaintiffs appeal from Magistrate Judge Pitman's order of 2/7/01. The Court has reviewed all the submissions and concluded that there is no basis for disturbing Judge Pitman's ruling. The order, to the extent it was appealed from, is affirmed. (signed by Judge Lewis A. Kaplan); Copies mailed. (Original entry is docketed in 97 civ. 9361 as doc. #35). (kw) Modified on 03/13/2001 (Entered: 03/13/2001)
03/12/2001	35	Memo-Endorsement on letter addressed to Judge Kaplan from Stephen, dated A. Weingrad; granting plaintiff's request for an 30-day extension of time to file opposition papers to dft's motion for summary judgment. (signed by Judge Lewis A. Kaplan); Copies mailed. (pl) Modified on 03/15/2001 (Entered: 03/13/2001)
03/15/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 3/13/01; granting counsel for defs' request that the 30-day extension of time within which to respond to defs' motion for summary judgment, granted to Mr. Weingrad, shall apply to the Ward action, 99 cv 12385, as well as the Faulkner I, 97 cv 9361 and Faulkner II, 99 cv 12488 actions, and that defs be granted an additional 5 days to submit their reply papers. (signed by Judge Lewis A. Kaplan); Copies mailed. (Original document filed under 97 cv 9361 as Doc. #36) (sn) (Entered: 03/16/2001)
03/15/2001	36	NOTICE OF MOTION by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. to dismiss and for summary judgment ; Return date not indicated. Declaration of John Fahey attached. (djc) (Entered: 03/16/2001)
03/15/2001	37	MEMORANDUM OF LAW by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. in support of [36-1] motion to dismiss, [36-2] motion for summary judgment. (djc) (Entered: 03/16/2001)
03/15/2001	38	RULE 56.1 STATEMENT filed by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc. (djc) (Entered: 03/16/2001)
04/25/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 04/24/01; Re: granting counsel to defendants' request that the Court reject Mr. Weingrad's memorandum of law with leave to refile a memorandum complying with the Court's page limit and permit defendants 10 days within whch to respond to Mr. Weingrad's revised papers ; Memorandum exahanged with leave : (signed by Judge Lewis A. Kaplan); Copies mailed. (original docmt dkted in case no. 97 cv 9361, docmt #42) (djc) Modified on 04/26/2001 (Entered: 04/26/2001)
04/27/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Stephen A. Weingrad, dated 4/26/01; denying plaintiffs' request to reconsider the decision striking Plaintiffs' Memorandum; denying request to compel the Court to adjust plaintiffs' memorandum to include the Greenberg issues w/out the benefit of the Defendants' take on the decision; denying plaintiffs' request that the motions continue against all parties wile an appropriate Bankruptcy Court order is obtained permitting plaintiffs to proceed (11 USC sec. 362(d) stays proceedings against a bankrupt); noting and bring to the Court attention an error correction on page 3, paragraph 6 of the affirmation in support of the motion to amend the complaint; parties which are being made available to the Court. (by Judge Lewis A. Kaplan); Copies mailed. (orig. entry made in case no. 97 civ. 9361, as doc. #43) (ae) Modified on 05/02/2001 (Entered: 05/02/2001)
05/02/2001		MEMORANDUM OF LAW by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent. in opposition to motion to amend the complaint. Original document filed under case number 97 cv 9631, document number 44. Received in night deposit on 5/2/01 at 6:26 p.m. (jp) (Entered: 05/03/2001)
05/02/2001		AFFIDAVIT of Naomi Jane Gray by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent. in opposition to motion to amend the complaint. Received in night deposit on 5/2/01 at 6:26 p.m. Original document filed under case number 97 cv 9361, document number 45. (jp) (Entered: 05/03/2001)
05/16/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Stephen A. Weingrad, dated 5/9/01; granting counsel for the plaintiff's request to amend the Court's Order to permit the clerk to accept the original of plaintiff's amended copyright exhibit to the second amended complaint. (signed by Judge Lewis A. Kaplan); Copies mailed. Original document filed under 97cv9361, document no. 48. (kkc) (Entered: 05/17/2001)
05/16/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Stephen A. Weingrad, dated 5/11/01; granting counsel for plaintiff's request for a 7 day extension to file a reply memorandum of law with respect to the pending motion to amend the complaint. (signed by Judge Lewis A. Kaplan); Copies mailed. Original document filed under 97cv9361, document no. 49. (kkc) (Entered: 05/17/2001)
05/22/2001		AFFIRMATION of Gray, delarations of Lutov and Mulvihill by defendants in further support of Re: [36-1] motion to dismiss, and [36-2] motion for summary judgment. (Original entry is docketed in 97 civ. 9361 as doc. #52). (kw) (Entered: 05/24/2001)
05/22/2001		Plaintiffs' amended copyright exhibit to the 2nd amended complaint in Action I & Action II. (Original entry is docketed in 97 civ. 9361 as doc. #53). (kw) (Entered: 05/24/2001)

07/18/2001		Pretrial Conference held before Judge Lewis A. Kaplan . (dj) (Entered: 08/03/2001)
08/16/2001		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 8/15/01; counsel for the defendants write to request a conference call with the Court on the subject of expert discovery. Having considered plaintiffs response dated 8/15/01, the Court adopts defendants' proposal for plaintiffs to produce their reports first and defendants thereafter to produce their expert reports; there is no need, however, for defendants to depose plaintiffs' experts before responding with their own expert reports; plaintiffs shall produce their expert reports by 10/15/01, and defendants theirs by 11/15/01 . (signed by Judge Lewis A. Kaplan); Copies mailed. Original document filed under case no. 97cv9361 (LAK), doc. #55. (kkc) (Entered: 08/20/2001)
08/23/2001	39	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 8/21/01 withdrawing [36-1] motion to dismiss, withdrawing [36-2] motion for summary judgment (signed by Judge Lewis A. Kaplan); Copies mailed. (cd) (Entered: 08/24/2001)
08/24/2001	40	REVISED SECOND AMENDED COMPLAINT by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Dorianne Jacobson, Pamela Wilson Sartorelli, David Hiser (Answer due 9/13/01 for Dataware Tech. Inc., for Nat. Geographic Ent., for Mindscape Inc., for Eastman Kodak Co., for Nat. Geographic Int., for National Geographic amending [7-1] amended complaint against Nat. Geo. Holdings; Summons issued. (sn) (Entered: 08/27/2001)
08/24/2001	40	DEMAND for jury trial by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Dorianne Jacobson, Pamela Wilson Sartorelli, David Hiser. (sn) (Entered: 08/27/2001)
09/07/2001	41	ANSWER TO THE SECOND AMENDED COMPLAINT by Mindscape Inc. (Attorney Robert G. Sugarman, Naomi Jane Gray from the Firm: Weil, Gotshal & Manges, L.L.P.). (db) Modified on 10/01/2001 (Entered: 10/01/2001)
09/07/2001	42	ANSWER TO THE SECOND AMENDED COMPLAINT by National Geographic, Nat. Geographic Int., Nat. Geographic Ent.(Attorney Robert G. Sugarman, Naomi Jane Gray from the Firm: Weil, Gotshal & Manges, L.L.P.). (db) Modified on 10/01/2001 (Entered: 10/01/2001)
09/07/2001	43	ANSWER TO THE SECOND AMENDED COMPLAINT by Eastman Kodak Co. (Attorney Robert G. Sugarman, Naomi Jane Gray from the Firm: Weil, Gotshal & Manges, L.L.P.). (db) (Entered: 10/01/2001)
01/23/2002		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 1/18/02; counsel writes to request an extension on the following deadlines: (1) defendants' expert reports from 1/22/02 to 1/28/02; (2) the completion of expert depositions and previously noticed fact depositions from 2/15/02 to 3/1/02 , and (3) the submission of summary judgment motions from 4/1/02 to 5/1/02. Granted to extent indicated above . (signed by Judge A. Kaplan); Copies mailed. Original document filed under case no. 97cv9361 (LAK), doc. # 61. (kkc) (Entered: 01/25/2002)
01/29/2002		ORDER; a tape-recorded conference call having been held on this date during which various discovery disputes were discussed, for the reasons stated on the recording of the conference call, it is hereby Ordered that plaintiffs' counsel shall provide defendants' counsel with firm dates for the depositions of plaintiffs Austen, Rickman, Hutchings and Psihoyos no later than January 25, 2002. If counsel is unable to agree amicably on firm dates, I shall set dates ; (signed by Magistrate Judge Henry B. Pitman); (original docmt dktd in case no. 99 cv 12488, docmt #55) Copies mailed. (dj) (Entered: 01/29/2002)
02/01/2002		ORDER; counsel for all parties are directed to make themselves available for a conference call at 10:00 AM Eastern time on 2/1/02. Counsel for National Geographic is directed to institute the call through its telephone service provider . (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (Original document filed under 99 cv 12385 as Doc. #56) (sn) (Entered: 02/05/2002)
02/05/2002		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 1/29/02; granting counsel's request to note the typographical error in setting the deadline for summary judgment motions to 5/1/02 and correcting the deadline to 4/1/02 . (signed by Judge Lewis A. Kaplan); Copies mailed. Original document filed under case no. 97cv9361 (LAK), doc. # 62. (kkc) (Entered: 02/05/2002)
02/19/2002		ORDER, denying plaintiffs application seeking to supplement the record on the pending motions, which have been fully briefed and argued, with an additional exhibit allegedly produced by counsel for plaintiff in the Ward case at a deposition . (signed by Judge Lewis A. Kaplan); Copies mailed. Original entered in case #97cv9361(LAK), doc. #66. (tp) (Entered: 02/20/2002)
02/19/2002		ORDER; plttf Rickman shall appear for a deposition at the offices of defts' counsel in NYC on 2/25/02 at 10:00 AM. The deposition of Roger Hutchings shall be conducted by telephone on 2/14/02, in the absence of an agreement by the parties to an alternative date during the week of 2/11/02. My direction that Hutchings' deposition be conducted by telephone is without prejudice for further application by defts for an in-person deposition within the District . (signed by Magistrate Judge Henry B. Pitman); Copies mailed. (Original document filed under 99 cv 12385 as Doc. #57) (sn) (Entered: 02/21/2002)
03/28/2002		Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 3/18/02; granting counsel for defts' request for an extension of the deadline for dispositive motions, until 4/10/02 ; and granting defts' request for relief from the 35-page limit on motion papers, to have an additional 10 pages for the Ward brief and an additional 15 pages for the Faulkner I/Hiser brief . (by Judge Lewis A. Kaplan); Copies mailed. (Original document filed under 97

	cv 9361 as Doc. #72) (sn) (Entered: 04/01/2002)
04/11/2002	NOTICE OF MOTION by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings for an Order dismissing the complaint in this action and, for summary judgment. Return date not indicated. Declaration of John Fahey and appendeix of exhibits and deposition testimony in support of motion attached. Original entry in 97cv9361 document number 74. (yv) Modified on 04/15/2002 (Entered: 04/15/2002)
04/11/2002	MEMORANDUM OF LAW by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings in support of [0-1] motion for an Order dismissing the complaint in this action, [0-2] motion for summary judgment. Original entry in 97cv9361 document number 75. (yv) (Entered: 04/15/2002)
04/11/2002	NOTICE OF MOTION by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser for an Order granting partial summary judgment under FRCP 56 in favor of the Plaintiffs against all of the Defendants for the copyright infringements of the works of the Plaintiff Douglas Faulkner in action #1, and Plaintiffs David Hiser, David G. Allen and David G. Allen as successor in interest to Arthur Allen, Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli in action #2 judgment and, finding that the Defendants are collaterally estopped from rearguing the issue of the claimed revision pursuant to Section 201(c) of the Copyright Act based on the decision in Greenberg or in the alternative, finding and declaring that the Products in issue are not permissible revisions of the Journals under Section 201(c) of the Copyright Act and, finding and declaring invalid the Agreement between NGS and NGV, which purports to assign the rights in Plaintiffs' works, finding and declaring that Defendant NGS exceeded the scope of its licenses with Plaintiffs by creating the Products and, finding and declaring that Defendants have willfully infringed Plaintiffs' copyrights as a matter of law and, finding and declaring that each of the 139 Products created by Defendants using Plaintiffs' works constitutes a separate infringement and, finding and declaring that the Register of Copyright's denial of copyright registration was mistaken and that the following Plaintiffs are entitled to copyright registration in their respective works: in action #1, Douglas Faulkner; in action #2, Douglas Faulkner & Sally Faulkner, Jerome, finding and declaring that Defendants Mindscape, Dataware and Kodak have infringed or contributed to the infringement and as such must be found jointly and severally liable with the primary infringer. Return date not indicated. Declaration of Stephen A. Weingrad in support of motion, plaintiffs' affidavits and exhibits in support of motion and in opposition to the defendants' motion attached. Received in night deposit box on 4/11/02 at 5:37 p.m. attached (yv) (Entered: 04/15/2002)
04/11/2002	MEMORANDUM OF LAW by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser in support of [0-1] motion for an Order granting partial summary judgment under FRCP 56 in favor of the Plaintiffs against all of the Defendants for the copyright infringements of the works of the Plaintiff Douglas Faulkner in action #1, and Plaintiffs David Hiser, David G. Allen and David G. Allen as successor in interest to Arthur Allen, Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli in action #2 judgment, [0-2] motion finding that the Defendants are collaterally estopped from rearguing the issue of the claimed revision pursuant to Section 201(c) of the Copyright Act based on the decision in Greenberg, [0-3] motion finding and declaring that the Products in issue are not permissible revisions of the Journals under Section 201(c) of the Copyright Act, [0-4] motion finding and declaring invalid the Agreement between NGS and NGV, which purports to assign the rights in Plaintiffs' works, [0-5] motion finding and declaring that Defendant NGS exceeded the scope of its licenses with Plaintiffs by creating the Products, [0-6] motion finding and declaring that Defendants have willfully infringed Plaintiffs' copyrights as a matter of law, [0-7] motion finding and declaring that each of the 139 Products created by Defendants using Plaintiffs' works constitutes a separate infringement, [0-8] motion finding and declaring that the Register of Copyright's denial of copyright registration was mistaken and that the following Plaintiffs are entitled to copyright registration in their respective works: in action #1, Douglas Faulkner; in action #2, Douglas Faulkner & Sally Faulkner, Jerome, [0-9] motion finding and declaring that Defendants Mindscape, Dataware and Kodak have infringed or contributed to the infringement and as such must be found jointly and severally liable with the primary infringer. Original entry in 97cv9361 document number 77. (yv) (Entered: 04/15/2002)
04/11/2002	RULE 56.1 STATEMENT filed by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser. Volume II attached. Received in night deposit box on 4/11/02 at 5:38 p.m. (yv) (Entered: 04/15/2002)
04/11/2002	EXHIBITS in support of motion and in opposition to defendants' motions and summary judgment by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser. Volume II attached. Received in night deposit box on 4/11/02 at 5:39 p.m. (yv) (Entered: 04/15/2002)
05/09/2002	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 5/7/02; Plaintiffs' response to motion reset to 5/31/02 for [0-1] motion for an Order dismissing the complaint in this action; reset to 5/31/02 for [0-2] motion for summary judgment; Defendants' reply to response to motion reset to 6/21/02 for [0-1] motion for an Order dismissing the complaint in this action; reset to 6/21/02 for [0-2] motion for summary judgment. (signed by Judge Lewis A. Kaplan); Copies mailed. (Orig. entry made in case no. 97 civ. 9361, as doc. #82) (ac) Modified on 05/14/2002 (Entered: 05/14/2002)

06/03/2002		MEMORANDUM OF LAW by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, David Hiser in opposition to [0-1] motion for an Order dismissing the complaint in this action. [0-2] motion for summary judgment. Original entry in 97cv9361 document number 85. (yv) (Entered: 06/06/2002)
06/03/2002		RULE 56.1 STATEMENT filed by National Geographic, Eastman Kodak Co., Mindscape Inc., Nat. Geo. Holdings. Original entry in 97cv9361 document number 86. (yv) (Entered: 06/06/2002)
06/03/2002		REPLY by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Wilson Sartorelli, David Hiser Re: [0-1] settlement notice. Original entry in 97cv9361 document number 87. (yv) (Entered: 06/06/2002)
06/13/2002		Memo-Endorsement on letter addressed to Judge Kaplan from Robert Sugarman, dated 6/7/02; granting defts request for an additional 10 pages for thier reply brief. (signed by Judge Lewis A. Kaplan); Copies mailed. Original document filed under case number 97 cv 9361, document number 89. (jp) (Entered: 06/16/2002)
06/24/2002	(44)	REPLY MEMORANDUM by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings in support of [0-1] motion for an Order dismissing the complaint in this [0-2] motion for summary judgment. Appendix of Declarations, Exhibits and Deposition Testimony attached. (sb) (Entered: 06/27/2002)
06/25/2002		REPLY by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, Rick Rickman, National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Peter B. Kaplan, David Robert Austen, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser to defendant's opposition to plaintiff's motion for summary judgement. Original document filed in 97-cv-9361 (LAK). Doc # 92. (db) (Entered: 07/01/2002)
06/27/2002		ORDER: plaintiff seek permission to reopen discovery relating to a June 14, 2002 letter from Encore. The application is denied. It is Ordered that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the cse file. Do not fax such verification to Chambers. (signed by Judge Lewis A. Kaplan); Original document filed in case 97cv9361 (LAK).; Doc. #91. (jco) Modified on 07/02/2002 (Entered: 07/02/2002)
07/17/2002		MEMORANDUM OPINION #87184, defendants' motion for partial summary judgment dismissing plaintiffs' claims with respect to the Pre-1978 Works is disposed of as follows: it is granted in all respects, and all claims involving the Pre-1978 Works are dismissed as to defendant Kodak. It is granted with respect to David Allen's copyright infringement claims regarding the Arthur Allen stories published before 1964, Davis Hiser's copyright infringement claims regarding the Lost Sierra, West's Wild Foods, and Stalking Wild Foods on a Desert Isle assignments, and all of plaintiffs' state law claims. It is denied in all other respects. (signed by Judge Lewis A. Kaplan); Copies mailed. (Orig. entry is docketed in 97 civ. 9361 as doc. #93). (kw) (Entered: 07/19/2002)
07/29/2002		NOTICE OF MOTION by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser for an order granting reconsideration of the decision and [0-1] order of this court filed July 17, 2002. Return Date not indicated. Original document filed in case #97cv9361, document #94. (dle) (Entered: 07/31/2002)
07/29/2002		MEMORANDUM OF LAW by Sally Faulkner, Jon Krakauer, Richard Conniff, Joe Baraban, Elizabeth Royte, John Knoebber, David G. Allen, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser in support of [0-1] motion for an order granting reconsideration of the decision and [0-1] order of this court filed July 17, 2002. Original document filed in case #97cv9361, document #95. (dle) (Entered: 07/31/2002)
08/05/2002	(45)	NOTICE OF MOTION by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings for an Order granting partial reconsideration of [0-1] order defendants' motion for partial summary judgment dismissing plaintiffs' claims with respect to the Pre-1978 Works is disposed of as follows: it is granted in all respects, and all claims involving the Pre-1978 Works are dismissed as to defendant Kodak. It is granted with respect to David Allen's copyright claims regarding the Arthur Allen stories published before 1964, Davis Hiser's copyright infringement claims regarding the Lost Sierra, West's Wild Foods, and Stalking Wild Foods on a Desert Isle assignments, and all of plaintiffs' state law claims. It is denied in all other respects. [0-2]. Return Date not indicated. (yv) (Entered: 08/12/2002)
08/05/2002	(46)	MEMORANDUM OF LAW by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings in support of [45-1] motion for an Order granting partial reconsideration of [0-1] order defendants' motion for partial summary judgment dismissing plaintiffs' claims with respect to the Pre-1978 Works is disposed of as follows: it is granted in all respects, and all claims involving the Pre-1978 Works are dismissed as to defendant Kodak. It is granted with respect to David Allen's copyright claims regarding the Arthur Allen stories published before 1964, Davis Hiser's copyright infringement claims regarding the Lost Sierra, West's Wild Foods, and Stalking Wild Foods on a Desert Isle assignments, and all of plaintiffs' state law claims. It is denied in all other respects. [0-2]. Return Date not indicated. (yv) (Entered: 08/12/2002)
08/07/2002		Memo-Endorsement on letter addressed to Judge Kaplan from Rober G. Sugarman, dated 8/5/02. Def'ts Response to Motion reset for 8/30/02 re: [0-1] motion for an order granting reconsideration of the decision and [0-1] order of this court filed July 17, 2002 (signed by Judge Lewis A. Kaplan); Copies mailed; original doc fld in 97 cv 9361. doc #96 (cd) Modified on 08/09/2002 (Entered: 08/08/2002)

08/07/2002	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugarman, dated 8/2/02 Re: defis request that the Court direct the filing of the attached declaration: denied. The Court obviously could not overlooked evidence that was not before it. See SDNY Civ. R. 6.3. This is not the time to bring forward new evidence (signed by Judge Lewis A. Kaplan); Copies mailed; original fld in 97 cv 9361, doc #97 (cd) Modified on 08/09/2002 (Entered: 08/08/2002)
08/20/2002	Endorsement on letter addressed to Judge Kaplan from Stephen A. Wingrad, dated 8/15/02; granting plaintiffs request that the time for plaintiffs to respond to defendants motion for reconsideration conform to the dates set for all . (signed by Judge Lewis A. Kaplan); orig. document 97cv9361 as document #100. (pl) (Entered: 10/10/2002)
08/30/2002	ORDER; denying [45-1] motion for an Order granting partial reconsideration of [0-1] order for defendants' motion for partial summary judgment dismissing plaintiffs' claims with respect to the Pre-1978 Works is disposed of as follows: it is granted in all respects, and all claims involving the Pre-1978 Works are dismissed as to defendant Kodak. It is granted with respect to David Allen's copyright claims regarding the Arthur Allen stories published before 1964, Davis Hiser's copyright infringement claims regarding the Lost Sierra, West's Wild Foods, and Stalking Wild Foods on a Desert Isle assignments, and all of plaintiffs' state law claims. It is denied in all other respects. [0-2] . Return Date not indicated. Original filed in case 97cv09361 (LAK), doc#102. (signed by Judge Lewis A. Kaplan); Copies mailed.(jco) Modified on 09/10/2002 (Entered: 09/09/2002)
09/03/2002	MEMORANDUM OF LAW by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc. in opposition to [0-1] motion for an order granting reconsideration of the decision and [0-1] order of this court filed July 17, 2002. (Received in the night deposit box on 9/3/02 at 4:58 p.m.). Original document filed in case 97 cv 9361 as doc # 101. (gf) (Entered: 09/06/2002)
09/06/2002	ORDER, that plaintiffs' [0-1] motion for reconsideration is granted to the extent that the last sentence of the Court's July 17 Opinion is modified to read as further set forth; It is denied in all other respects. (signed by Judge Lewis A. Kaplan); Copies mailed. Original entered in case #97cv9361(LAK), doc. #103. (tp) Modified on 09/11/2002 (Entered: 09/10/2002)
09/11/2002	NOTICE OF MOTION by David Robert Austen, Rick Rickman for Andrew Berger to appear pro hac vice ; Return Date not indicated. (original docmt dktd in case no. 97 cv 9361, docmt #106) (djc) (Entered: 09/16/2002)
09/23/2002	Memo endorsed on motion doc. #106 in 97 civ. 9361; granting [0-1] motion for Alan Nelson to appear pro hac vice. (signed by Judge Lewis A. Kaplan); (Sent to the Attorney Admissions Clerk). (kw) (Entered: 09/26/2002)
02/25/2003	Letter filed by National Geographic, Nat. Geographic Int., Eastman Kodak Co., Mindscape Inc., Nat. Geographic Ent., Dataware Tech. Inc., Nat. Geo. Holdings addressed to Judge Kaplan from Naomi Jane Gray, dated 2/20/3, re:Response letter to Mr. Berger's letter dated 2/18/3. Original document entered in case number 97cv936 (LAK), doc.#8. (laq) (Entered: 02/27/2003)
03/11/2003	ORDER, for Irell & Manella LLP to withdraw as attorney . (signed by Judge Lewis A. Kaplan); Copies mailed by chambers. (Orig. entry is docketed in 97 civ. 9361 as doc. #109). (kw) Modified on 03/12/2003 (Entered: 03/12/2003)
09/25/2003	Memo-Endorsement on letter addressed to Judge Kaplan from Robert G. Sugmarman, dated 9/9/03, denying Robert G. Sugarman's request for oral argument in Ward and Faulkner (signed by Judge Lewis A. Kaplan); orig fld in 97 cv 9361, doc #112 (cd) (Entered: 09/29/2003)
11/25/2003	ORDER: counsel are requested to notify Chambers forthwith by letter whether plaintiffs continue to assert any claims under 15 USC 1125(c) or any other federal statute other than the Copyright Acts and, if so, what claim or claims.Original document filed in 97-cv-9361 (LAK), Document # 114.(Signed by Judge Lewis A. Kaplan on 11/24/03) Copies Faxed by Chambers.(db.) (Entered: 12/02/2003)
11/26/2003	Letter addressed to Judge Kaplan from Pierre M. Davis dated 11/25/03 re: response to your Honor's Order of 11/24/03. Document filed by Dataware Technologies Inc., Eastman Kodak Company, Mindscape Inc., National Geographic Enterprises Inc, National Geographic Interactive, National Geographic Society.(yv,) Modified on 12/5/2003 (yv,). Original entry in 97cv9361 document number 115. (Entered: 12/05/2003)
11/26/2003	Letter addressed to Judge Kaplan from Stephen A. Weinograd dated 11/25/03 re: Order of 11/24/03. Document filed by David G. Allen, David Robert Austen, Joe Baraban, Richard Conniff, Sally Faulkner, Doranne Jacobson, Jerome Jacobson, Peter B. Kaplan, John Knoebber, Jon Krakauer, Elizabeth Royte, Pamela Wilson Sartorelli.(yv,) Modified on 12/5/2003 (yv,). Original entry in 97cv9361 document number 116. (Entered: 12/05/2003)
11/26/2003	Letter addressed to Judge Kaplan from Danial A. Nelson dated 11/25/03 re: Order issued 11/24/03. Document filed by David Robert Austen, Rick Rickman. Original entry in 97cv9361 document number 117.(yv,) (Entered: 12/05/2003)
12/11/2003	OPINION #89430, that for the reasons set forth, defendants' motions for summary judgment dismissing plaintiffs' copyright infringement and breach of contract claims [97cv9361 DI 74 (applicable also to 99cv12488); 99cv12385 DI 60; 02cv6623 DI 5] are granted as further set forth herein. This ruling determines all remaining claims against all remaining parties in 97cv9361, 99cv12385, and 99cv12488 as further set forth. The Court determines, pursuant to FRCP 54(b), that there is no just reason for delay and directs the Clerk to enter final judgment as described herein. The parties shall appear for a pretrial conference at 11:30 a.m. on 12/22/03, in Courtroom 12D. (Signed by Judge Lewis A. Kaplan on 12/11/038); Copies Mailed By Chambers. ORIGINAL ENTERED IN CASE 97cv9361(LAK), DOC. #118.(tp.) (Entered: 12/11/2003)
12/11/2003	Set Deadlines/Hearings: Pretrial Conference set for 12/22/2003 at 11:30 AM before Judge Lewis A. Kaplan. (tp,) (Entered: 12/11/2003)

12/11/2003		Transmission to Judgments and Orders Clerk. Transmitted re: Memorandum & Opinion. to the Judgments and Orders Clerk for preparation of Judgment. (tp,) (Entered: 12/11/2003)
12/12/2003		MEMORANDUM OF LAW in Opposition to motion to dismiss and for summary judgment. Document filed by plaintiffs Louis Psihoyos, Rick Rickman, Matrix International, and David Austen. Original document filed in 97cv9361 (LAK), document # 121. (db,) (Entered: 01/02/2004)
12/12/2003		APPENDIX of Exhibits to Memorandum of Law in Opposition. Document filed by plaintiffs Louis Psihoyos, Rick Rickman, Matrix International, and David Austen. Original document filed in 97cv9361 (LAK), document # 122.(db,) (Entered: 01/02/2004)
12/18/2003	47	JUDGMENT that for the reasons stated in the Court's Opinion (89430) dated 12/11/03, the Court determines, pursuant to F.R.C.P. 54(b), that there is no just reason for delay and final judgment is entered as follows: (a) In No. 97 Civ. 9361, (1) the claims of all plaintiffs other than Psihoyos are dismissed against all defendants other than Dataware, and (2) all claims by plaintiff Psihoyos are dismissed except his claims against Dataware and his claim for infringement of his alleged copyrights in the photographs referred to in note 30. (b) In No. 99 Civ. 12488, the claims of all plaintiffs against all defendants other than Dataware are dismissed. (c) In No. 02 Civ. 6623, the claims of all plaintiffs against all defendants are dismissed except for the copyright infringement claims of Psihoyos based on the photographs referred to in note 30. (Signed by Judge J. Michael McMahon on 12/18/03) (jco,) (Entered: 12/24/2003)
12/23/2003		Minute Entry for proceedings held before Judge Lewis A. Kaplan : Interim Pretrial Conference held on 12/23/2003. (Court Reporter Bill Richards) (sb,) (Entered: 02/20/2004)
12/24/2003		MEMORANDUM OPINION # 89495. Plaintiff Faulkner in No. 97 Civ. 9361 and plaintiffs in No. 99 Civ. 12488 move for reconsideration of this Court's decision of 12/11/03, on the ground that the Court erred as a matter of law and should have recused itself. The motion is denied in all respects. (Signed by Judge Lewis A. Kaplan on 12/23/03) (ae,) (Entered: 12/29/2003)(Orig. document filed in case no. 97 Civ. 9361, as Doc. #120) (Entered: 12/29/2003)
01/06/2004	48	NOTICE OF APPEAL from [47] Judgment,,,, Memorandum & Opinion,,,, Document filed by David G. Allen, Joe Baraban, Richard Conniff, Sally Faulkner, David Hiser, John Knoebber, Jon Krakauer, Elizabeth Royte, Pamela Wilson Sartorelli. Filing fee \$ 255.00, receipt number E495583. Copies of Notice of Appeal mailed to Attorney(s) of Record: Weil, Gotshal & Manges, LLP and Schaden, Katzman, Lampert & McClune. (dt,) (Entered: 01/08/2004)
01/08/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [48] Notice of Appeal.. (dt,) (Entered: 01/08/2004)
01/08/2004		Transmission of Notice of Appeal to the District Judge re: [48] Notice of Appeal.. (dt,) (Entered: 01/08/2004)
01/13/2004		AMENDED JUDGMENT amending [47] Judgment,AMENDED JUDGMENT amending [119] Clerk's Judgment. in 97 Civ 9361, 1) dismissing the claims of all plaintiffs other than Psihoyos against all defendants other than Dataware and 2) dismissing all claims by plaintiff Psihoyos except his claims against Dataware and his claim for infringement; in 99 Civ 12488, the claims of all plaintiffs against all defendants other than Dataware are dismissed; in 02 cv 6623 all claims of all plaintiffs against all defendants except for the copyright infringement claims of Psihoyos based on the Photos referred to in Note 30; in 99 cv 12385, the claims of plaintiff Ward against all defendants are dismissed except for the state law claims against defendant National Geographic alleged in Ward's Third Amended Complaint. (Signed by J. Michael McMahon, Clerk on 01/13/04) copies mailed by clerk's office.(jf,) (Entered: 01/14/2004). (Signed by J. Michael McMahon on 1/13/2004) (rag,) Modified on 1/14/2004 (rag,). (Orig. filed in 97cv9361(LAK) as document #127) (Entered: 01/14/2004)
01/16/2004	49	AMENDED NOTICE OF APPEAL re: [48] Notice of Appeal., Amended Judgment,,,, [47] Judgment,,,, Memorandum & Opinion., Memorandum & Opinion., Document filed by David G. Allen, Joe Baraban, Richard Conniff, Sally Faulkner, David Hiser, Doranne Jacobson, Jerome Jacobson, John Knoebber, Jon Krakauer, Elizabeth Royte, Pamela Wilson Sartorelli. Copies of Amended Notice of Appeal mailed to Attorney(s) of Record: Weil, Gotshal & Manges, LLP and Schaden, Katzman, Pampert & McClune. (dt,) (Entered: 01/16/2004)
01/16/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [49] Amended Notice of Appeal.. (dt,) (Entered: 01/16/2004)
01/16/2004		Transmission of Notice of Appeal to the District Judge re: [49] Amended Notice of Appeal.. (dt,) (Entered: 01/16/2004)
01/26/2004	50	NOTICE OF APPEAL from Amended Judgment,,,, [47] Judgment,,,, Memorandum & Opinion., Document filed by David Robert Austen, Rick Rickman. Filing fee \$ 255.00, receipt number E497290. Copies of Notice of Appeal mailed to Attorney(s) of Record: WEil, Gotshal & Manges. (dt,) (Entered: 01/26/2004)
01/26/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [50] Notice of Appeal.. (dt,) (Entered: 01/26/2004)
01/26/2004		Transmission of Notice of Appeal to the District Judge re: [50] Notice of Appeal.. (dt,) (Entered: 01/26/2004)
02/03/2004		ORDER; the motion of certain plaintiffs for a stay pending appeal, dated 12/17/2003, is granted and the cases placed on the suspense docket pending further order of the Court. (Signed by Judge Lewis A. Kaplan on 2/3/2004) Original document filed under case no. 97cv9361(LAK), doc. # 131. Copies Mailed by Chambers.(kke,) (Entered: 02/09/2004)

03/26/2004	51	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for [50] Notice of Appeal, filed by Rick Rickman, David Robert Austen, [49] Amended Notice of Appeal, filed by Joe Baraban, Sally Faulkner, Jon Krakauer, Richard Conniff, Elizabeth Royle, John Knoebber, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser, [48] Notice of Appeal, filed by Joe Baraban, Sally Faulkner, Jon Krakauer, Richard Conniff, Elizabeth Royle, John Knoebber, David G. Allen, Pamela Wilson Sartorelli, David Hiser USCA Case Number 04-0265-cv & 04-0475-cv, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (dt.) (Entered: 03/26/2004)
05/10/2004		ENDORSED LETTER addressed to Judge Lewis A. Kaplan from Stephen Weingrad dated 5/6/04 re: counsel for plaintiff requests that the court advise parties on what steps to take to move products from the District court to the Circuit court. The items in question do not appear to be part of the formal record. Under Fed. R. App. P. 10, however, the parties may file an appropriate stipulation for consideration. Counsel is not to fax chambers absent specific permission. Original document filed in case #97cv9361, document #134.. (Signed by Judge Lewis A. Kaplan on 5/6/04) (dle.) (Entered: 05/10/2004)
06/22/2004		STIPULATION AND ORDER authorizing inclusion of CD-ROM products in record on appeal. Original document filed under case number 97-cv-9361, document number 135. (Signed by Judge Lewis A. Kaplan on 6/21/2004) (jp.) (Entered: 06/24/2004)
12/14/2005		ORDER: Status Conference set for 1/20/2006 at 10:00 AM before Judge Lewis A. Kaplan in Courtroom 12D of 500 Pearl Street, New York, New York. (Original filed in 97-cv-9361 as document #137) (Signed by Judge Lewis A. Kaplan on 12/13/2005) (lb.) (Entered: 12/14/2005)
01/20/2006		Minute Entry for proceedings held before Judge Lewis A. Kaplan : Pretrial Conference held on 1/20/2006. (cd.) (Entered: 01/24/2006)
02/01/2006		TRANSCRIPT of proceedings held on 1/20/2006 @ 10:10 a.m. before Judge Lewis A. Kaplan. (Original filed in 97-cv-9361 as document #138) (lb.) (Entered: 02/01/2006)
03/06/2006		MEMORANDUM OF LAW in Support re: Motion to DismissMotion for Summary JudgmentMotion to DismissMotion for Summary Judgment. Document filed by National Geographic Enterprises Inc, National Geographic Holdings, Inc., National Geographic Society, National Geographic Interactive. Original document filed in 99cv12385 (LAK), document # 90. (db.) (Entered: 03/07/2006)
03/06/2006		AFFIRMATION of Robert G. Sugarman in Support re: Motion to DismissMotion for Summary JudgmentMotion to DismissMotion for Summary Judgment. Document filed by National Geographic Enterprises Inc, National Geographic Holdings, Inc., National Geographic Society, National Geographic Interactive. Original document filed in 99cv12385 (LAK), document # 91. (db.) (Entered: 03/07/2006)
03/06/2006		APPENDIX. Document filed by National Geographic Enterprises Inc, National Geographic Holdings, Inc., National Geographic Society, National Geographic Interactive. Original document filed in 99cv12385 (LAK), document # 92.(db.) (Entered: 03/07/2006)
03/16/2006		ORDER; the parties are invited to submit reply memoranda, not to exceed ten pages in length, on the motion addressed to the further use issue. Any such memoranda shall be served and filed no later than 3/29/06. (Signed by Judge Lewis A. Kaplan on 3/15/06); (orig. docmt dktd in case no. 97 cv 9361, docmt #145) (dj.) (Entered: 03/20/2006)
03/16/2006		ORDER; at the confernecc held on January 20, 2006, the Coutr directed counsel to move within 21 days for whateer relief they wish to seek as to defendant Dataware Technologies, failing which the action would be dismissed as against that defendant. No such motion having been filed, the action is dismissed as to Dataware Technologies. (Signed by Judge Lewis A. Kaplan on 3/15/06); (orig. docmt dktd in case no. 97 cv 9361, docmt #144) (dj.) (Entered: 03/21/2006)
03/23/2006		ORDER; attorney Stephen A. Weingrad, who represents a few of the parties in these actions, seeks 45 days in which to submit a memorandum of law on the issues outlined by the Court. The application is denied. The Court notes that it has invited reply memoranda not to exceed 10 pages that are to be filed by 3/29/2006. Mr. Weingrad may avail himself of that opportunity.(original document filed in 97cv9361 as doc #147) (Signed by Judge Lewis A. Kaplan on 3/22/06) (kco.) (Entered: 03/23/2006)
04/05/2006	52	REPLY MEMORANDUM OF LAW in Support of its Motion for Summary Judgment. Document filed by National Geographic Enterprises Inc. (cd.) (Entered: 04/06/2006)
04/05/2006	53	AFFIRMATION of Robert Sugarman in Support re: [52] Reply Memorandum of Law in Support. Document filed by National Geographic Enterprises Inc. (cd.) (Entered: 04/06/2006)
04/20/2006		LETTER addressed to Judge Lewis A. Kaplan from Robert G. Sugarman dated 4/6/06 re: defendants request that the Court strike those portions of the memorandum in opposition to defendants motion for summary judgment. Original document filed in 97cv9361, document # 152. (db.) Modified on 4/21/2006 (db.). (Entered: 04/21/2006)
04/20/2006		LETTER addressed to Judge Lewis A. Kaplan from Robert G. Sugarman dated 4/6/06 re: duplicate originals of Reply Memorandum filed in "Ward" - 99cv12385. Original document filed in 97cv9361 (db.) (Entered: 04/21/2006)
09/01/2006	54	STIPULATION AND ORDER; that the case is dismissed with prejudice as the Plaintiff Elizabeth Royle without costs or fees to either side and the caption shall be amended to delete her name. (Signed by Judge Denise L. Cote on 8/29/06) (pl.) (Entered: 09/01/2006)

09/18/2006	55	MEMORANDUM AND OPINION that for the reasons set forth herein, the motion of dft NGS for partial summary judgment dismissing the plaintiffs' claims for breach of express and implied contract is granted. (Signed by Judge Lewis A. Kaplan on 9/18/06) (dle,) (Entered: 09/19/2006)
10/23/2006		ORDER: granting [155] Motion to certify the Court's Order of September 18, 2006 as a Final Judgment granting [155] Motion to Stay. The Court Certifies that their is no just reason for delay and directs the Clerk to enter Final Judgment dismissing the express and implied contract claims of Plaintiffs Psihoyos, Rickman, Austen and Matrix International, Inc. in Nos. 97-civ-9361 and 99-civ-12488. Original Document filed in case #97-cv-9361 Doc. #156 (Signed by Judge Lewis A. Kaplan on 10/20/06) (js,) (Entered: 10/24/2006)
10/31/2006	56	NOTICE OF APPEAL from 55 Memorandum & Opinion.. Document filed by David G. Allen, David G. Allen(as successor and interest to Arthur Allen), Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, Sally Faulkner, David Hiser, Jon Krakauer, Richard Conniff, Joe Baraban, John Knoebber. Filing fee \$ 455.00, receipt number E 595627. Copies of Notice of Appeal mailed to Attorney(s) of Record: Weil, Gotshal & Manges LLP. (nd,) (Entered: 10/31/2006)
10/31/2006		Transmission of Notice of Appeal to the District Judge re: [56] Notice of Appeal.. (nd,) (Entered: 10/31/2006)
10/31/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [56] Notice of Appeal.. (nd,) (Entered: 10/31/2006)
11/22/2006	57	NOTICE OF APPEAL from 55 Memorandum & Opinion., Order,.. Document filed by David Robert Austen, Rick Rickman. Filing fee \$ 455.00, receipt number E 597840. Copies of Notice of Appeal mailed to Attorney(s) of Record: Weil, Gotshal & Manges. (nd,). (Entered: 11/28/2006)
11/28/2006		Transmission of Notice of Appeal to the District Judge re: [57] Notice of Appeal.. (nd,) (Entered: 11/28/2006)
11/28/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [57] Notice of Appeal.. (nd,) (Entered: 11/28/2006)
01/10/2007	58	MANDATE of USCA (Certified Copy) as to [56] Notice of Appeal, filed by Joe Baraban, Sally Faulkner, Jon Krakauer, Richard Conniff, John Knoebber, David G. Allen, Jerome Jacobson, Doranne Jacobson, Pamela Wilson Sartorelli, David Hiser. USCA Case Number 06-5096-cv(L). It is Ordered that the appeal is DISMISSED. Thomas Asreen, Acting Clerk USCA. Certified: 1/9/07. (tp,) (Entered: 01/10/2007)
01/10/2007		Transmission of USCA Mandate/Order to the District Judge re: 58 USCA Mandate.. (tp,) (Entered: 01/10/2007)
01/10/2007	59	MANDATE of USCA (Certified Copy) as to [57] Notice of Appeal, filed by Rick Rickman, David Robert Austen, USCA Case Number 06-5427-cv. It is Ordered that the appeal is DISMISSED. Thomas Asreen, Acting Clerk USCA. Certified: 1/9/07. (tp,) (Entered: 01/10/2007)
01/10/2007		Transmission of USCA Mandate/Order to the District Judge re: 59 USCA Mandate. (tp,) (Entered: 01/10/2007)